

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Paul John Griffiths

Examiner: Unknown

Serial No.:

09/524,436

Group Art Unit: 3619

Filed:

March 14, 2000

For:

IMPROVED AIR SPRING AND PEDESTAL

Docket No.:

60,130-390

**RECEIVED**

JUL 10 2000

OFFICE OF PENDING
EXAMINATIONS**PETITION UNDER RULE 37 CFR 1.47(b)**

Dear Sir:

The inventor of the above-referenced application, Paul John Griffiths, has effectively refused to execute this application. The owner of this application is Meritor HVS Limited, ("Meritor"). The undersigned is acting as agent for Meritor in this application, and is thus acting to submit the Declaration in the place of Mr. Griffiths.

The reasons for this action are set forth below.

Paul John Griffiths was employed by Meritor at Rackery Lane, Llay Wrexham LL120PB, United Kingdom, and under an obligation to assign inventions to Meritor. See fourth paragraph of page 5 in the attached Employment Agreement attached as **Exhibit A**.

The undersigned provided Mr. Griffiths with a draft of the above-referenced application Via Facsimile on June 22, 1999. See cover letter of June 22, 1999 attached as **Exhibit B**. As indicated in **Exhibit B**, Mr. Griffiths was provided with the opportunity to review the above-referenced patent application.¹

Mr. Griffiths did not respond to the letter of June 22, 1999 and subsequently left Meritor. By letter of February 17, 2000 (copy attached as **Exhibit C**) another copy of each of the three (3) patent applications directed to developments made during Mr. Griffiths

¹ Mr. Griffiths failed to respond to three (3) separate letters each regarding one of the patent applications (09/525,862 - Attorney Docket No. 60,130,382; 09/524,436 - Attorney Docket No. 60,130,390; and 09/525,741 - Attorney Docket No. 60,130,391) directed to developments made during Mr. Griffiths employment at Meritor. Each application had been previously provided for his review and signature and each is now subject to a petition under rule 37 CFR 1.47(b).

employment at Meritor were sent to Mr. Griffiths' home. The undersigned thus again provided Mr. Griffiths with the opportunity to review each of the patent applications. The undersigned further notified Mr. Griffiths that should he not respond by March 14, 2000, the patent applications would be filed without his signature.

The application as filed had thus been prepared and in the possession of the inventor for almost nine (9) months before it was eventually filed. The inventor is no longer employed by the assignee of this application. Thus, assignee needed to complete the filing of this application to protect its interests.

For the reasons set forth above, assignee submits that the filing of this application under Rule 37 CFR 1.47(b) is proper. Applicant asks that processing of this application now proceed.

Respectfully Submitted,

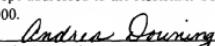
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Dated: June 29 00

CERTIFICATE OF MAILING

I hereby certify that the above referenced documents are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. on this 29th day of June, 2000.


Andrea Downing